GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegation against Sri L. Johnson, the then DEE, PRI Sub-Division, Udayagiri, SPSR Nellore District(now retired) – failed to update the service particulars of Sri D. Ravi Kumar, the then AEE while claiming the first salary and he did not request to furnish the retirement particulars of Sri D. Ravi Kumar of the Division during the calendar year 2013 and causing continuing the service beyond the actual date of retirement - Disciplinary proceedings under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 read with Rule 9 of APRPR,1980 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 396 Dated: 15-07-2021.

Read the following:

1. Final report from Director General, ACB., Vijayawada RC.No.144/RCTNNL/ 2016, Dt:22-5-2019.
2. From Director General, ACB., Vijayawada RC.No.144/RCT-NNL/2016, Dt:24-6-2021.
3. G.O.Ms.No.53,PR&RD(Vig-II)Dept., Dt:15-7-2021.

-:0:-

ORDER:

In pursuance of the sanction accorded in the reference 3rd read above, under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of AP Revised Pension Rules, 1980 for instituting departmental proceedings against causing continuing the service beyond the actual date of retirement in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II, III and IV).

3. Sri L. Johnson, the then DEE, PRI Sub-Division, Udayagiri, SPSR Nellore District(now retired), is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri L. Johnson, the then DEE, PRI Sub-Division, Udayagiri, SPSR Nellore District(now retired), is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri L. Johnson, the then DEE, PRI Sub-Division, Udayagiri, SPSR Nellore District(now retired), is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

(Contd.P.2)

6. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri L. Johnson, the then DEE, PRI Sub-Division, Udayagiri, SPSR Nellore District
(now retired) through the Engineer-in-Chief, Panchayat Raj, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy).
Copy to:
The Director General, ACB, Vijayawada
(w.r.t. RC.No.144/RCT-NNL/2016, Dt:24-06-2021)
The Secretary to APVC., AP Secretariat, Velagapudi,
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI LAKKEPOGU JOHNSON S/O SRI ELISHA,DEE, PRI SUBDIVISION, UDAYAGIRI, SPSR NELLORE DISTRICT.

That Sri Lakkepogu Johnson, S/o Elisha, the then DEE, PRI Sub-Division joined in Government Service as Assistant Executive Engineer, PR Department on 17.3.1989 and posted at Nellore and got promotion as Dy. Executive Engineer on 12.4.1999 posted at Vigilance Sub-division, Nellore. Later he worked as DEE, Panchayat Raj department, Udayagiri from 20.8.2004 to 22.5.2013. While he was working as DEE, PRI Sub-Division, Udayagiri from 1.6.2010 to 21.5.2013 committed gross misconduct in as much as:

CHARGE:

The Government Servant while working as DEE, PRI Sub Division, Udayagiri from 01-06-2010 to 21-05-2013 failed to update the service particulars of Sri Durgam Ravi Kumar, AEE while claiming the first salary and he did not request to furnish the retirement particulars of Sri Durgam Ravi Kumar, AEE of the Division during the calendar year 2013.

Thus Sri Lakkepogu Johnson, the then DEE, PRI Sub- Division, Udayagiri (Retired) by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1)(2) of APCS (Conduct) Rules, 1964 r/w Rule 9 of A.P Revised (Pension) Rules,1980.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI LAKKEPOGU JOHNSON S/O ELISHA ,DEE, PRI SUBDIVISION, UDAYAGIRI,SPSR NELLORE DISTRICT.

That Sri **LAKKEPOGU JOHNSON**, the then DEE, PRI Sub-Division, Udayagiri, 56 years is a native of Nellore City, SPSR Nellore District. His date of birth is 01.04.1959 and joined in Government Service as Supervisor, PR Department on 09.10.1979 and posted at Nellore and got promotion as Dy.Executive Engineer on 30.11.2015 posted at Panchayat Raj, Prakasam District. Later he worked as DEE, Panchayat Raj department, Udayagiri from 30.11.2015 till date of trap. He is drawing basic pay of Rs.99,410/- under the pay scale of Rs.46060-98440/-. He retired from service on attaining his superannuation on 31.3.2019. Herein- after he is referred to as Government Servant.

CHARGE:-

The Government Servant while working as DEE, PRI Sub Division, Udayagiri from 01-06-2010 to 21-05-2013 failed to update the service particulars of Sri Durgam Ravi Kumar, AEE while claiming the frst salary and he did not request to furnish the retirement particulars of Sri Durgam Ravi Kumar, AEE of the Division during the calendar year 2013.

Facts and Evidence

Brief facts of the case are that the Government Servant was trapped on 28.11.2016 in his office when he demanded and accepted bribe of Rs.55,000/- from Sri Lekkala Pedda Mala Konda Reddy for recording measurements of CC road works in M.Book.

During the course of investigation the investigating officer obtained service particulars of the Government Servant and on perusal of service particulars, it was found that the Government Servant was born on 16.07.1955 and had to retire from service on 31.07.2013. After obtaining the service particulars of Sri Durgam Ravi Kumar, AEE, it was found that the said AEE drawn salaries in spite of his actual date of superannuation in collusion with the Department Employees. He being the Deputy Executive Engineer, he is the authorized person to prepare the salary bills of Sri Durgam Ravi Kumar, AEE and he has to submit the same to the EE, PR, Kavali for drawing the salaries. While doing so he never complained the non receipt of the service register nor taken any action to obtain service register of Sri Durgam Ravi Kumar, AEE from the superior officers. It is his duty to check the pay bills of Sri Durgam Ravi Kumar, AEE on comparison with the service register and never care to the verify the service register and in spite of the non availability of the service register, he authorized the salary bills is to be prepared and he also wantonly failed to issue any notice to Sri Durgam Ravi Kumar, AEE for drawing the salary unauthorizedly.

The Government Servant, Sri Lakkepogu Johnson, the then DEE, PRI Sub-Division, Udayagiri, Nellore, by his above mentioned acts exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1)(2) of APCS (Conduct) Rules, 1964 r/w Rule 9 (2) of AP Revised (Pension) Rules, 1980.

Thus, the Government Servant thereby rendered himself liable for departmental action for major penalty.

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ANNEXURE-III

LIST OF WITNESSES

1. Sri Lekkala Pedda Malakonda Reddy, S/o Late Konda Reddy, aged; 54yrs, Occ; Sarpanch, Bairavaram Panchayat, Duthalur Mandal, SPSR Nellore District.

He is the complainant who lodged the report against Sri Durgam Ravi Kumar, AEE, who demanded the bribe amount and set the criminal law into motion in this case and speaks about case facts, demand, acceptance and official favour.

2. Sri S.Raja Sekhar, Town Planning Officer, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the ofce of the EE, PR, Kavali on 27-12-2016 from 01-00 PM to 06-00 PM and drafted mediatornama.

3. Sri K.Venkata Koteswara Rao, Senior Assistant, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District

He is one of the mediator in whose presence searches were conducted at the office of the EE.PR., Kavali on 27-12-2016 from 01- 00 PM to 06-00 PM and drafted mediatornama.

4 Sri D.Sudheer Babu, EE, PR Division, Kavali:

He speaks about his letter vide Rc.No.A.2/ACB/08, Dt.15.12.2016 who supplied the attested copy of the service register of Sri Durgam Ravi Kumar, AEE and also the service particulars of Sri Durgam Ravi Kumar, AEE.

5. Sri S.Damodar Reddy, SE, PR Division, Nellore.

He speaks about his letter vide Lr.Rc.No.EC3/6531/2016, Dt.26.04.2017 who forwarded the information with regards to the particulars of the officers who failed to inform the retirement particulars of Sri Durgam Ravi Kumar, AEE regarding the year 2013.

6. Sri CVS Ramurthy, Engineer in chief, PR Division, Vijayawada.

He speaks about his letters vide No.1) Vig.III/062016/2016/ACB, Dated.6.12.2016 and 2) Vig.III/2016/2016/ACB, Dated.9.08.2017 who furnished information informing that Sri Durgam Ravi Kumar, AEE has to retire in the year 2013 and also issued suspension order of Sri Durgam Ravi Kumar, AEE after the trap.

7. SHO, Kavali II Town PS:

He speaks about registering of the Cr.No.133/2016 of Kavali GO RT/307/2021/ PRR01-Panchyat Raj and Rural Development File No.C.No.13332/Vig.II/2016 II Town PS and transferring the case to Duthalur P.S.

8. SHO, Duthaluru PS:

He speaks about receiving of the FIR in Cr.No.133/2016 of Kavali II town Ps., and re-registering the same as Cr.No.2/2017 of Duthalur PS.

9. Sri T.Prabhakar, Deputy Supdt., of Police, ACB, Nellore Range, Nellore:

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/ RCT-ACB-NLR/2016.

10. Sri N.SivaKumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/ RCT-ACB-NLR/2016.

(Contd.P.2)

11. Sri T.V.Srinivasa Rao, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/ RCT-ACB-NLR/2016.

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ANNEXURE-IV

LIST OF DOCUMENTS

1. Complaint dated 25-11-2016 given by the Complainant:

It reveals the facts of the demand of bribe amount Rs.55,000/- by Sri Durgam Ravi Kumar, AEE on 28.11.2016 for doing an official favour i.e., for recording the measurements of CC Road works in M-Book which is pending since two months.

2. FIR in Cr.No.13/RCT-ACB-NLR/2016, dated 28-11-2016:

It reveals that a report was received from the complainant with regard to demand of bribe amount and registration of the case against Sri Durgam Ravi Kumar, AEE.

3. Mediators report dated 27-12-2016 from 13-00 hours to 18-00 hours drafted at the office of the Executive Engineer, Panchayat Raj, Kavali town and Mandal, SPSR Nellore District.

4. Xerox copy of Service Book of Sri Durgam Ravi Kumar, AEE.

5. Letter of Executive Engineer, PRI Division, Kavali vide Rc.No.A2/ACB/08 (service particulars of Sri Durgam Ravi Kumar, AEE) dated 15-12-2016 .

6. Rc.No.,EC3/653/2016 dated 26-04-2017 of SE PR, Nellore: who furnished the list of S.O's concerned caused not retirement of Sri Durgam Ravi Kumar, AEE.

7. Copy of FIR in Cr.No.133/2016 u/s 420, 120-B IPC dated 30-12-2016 of Kavali II Town P.S, against Sri Durgam Ravi Kumar, AEE.

8. Copy of FIR in Cr.No. 2/2017 u/s 420, 120-B IPC dated 04-01-2017 of Duttalur P.S as FIR in Cr.No.133/2016 was transferred from Kavali II town PS to Duttalur P.S on point of jurisdiction.

9. Proceedings No.Vig.III/062016/ 2016/ACB dated 06-12-2016 of Engineer-in-Chief, PR, Vijayawada- Suspension orders of Sri Durgam Ravi Kumar, AEE.

10. Proceedings No.Vig.III/2016/ 2016 dated 09-08-2017 of Engineer-in- Chief, PR, Vijayawada– Orders of the Engineer-in-Chief, PR, Vijayawada in respect of Sri Durgam Ravi Kumar, AEE has to be retired on 31-07-2013.

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